



W.P.Nos.12661 and 13290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.12661 and 13290 of 2025
and W.M.P.Nos.14256, 14257 and 14873 of 2025

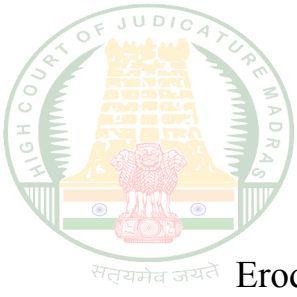
W.P.No.12661 of 2025:-

Shanmugam

.. Petitioner

Versus

1. The Commissioner,
HR & CE Department,
No.19, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 039.
2. The Joint Commissioner,
HR & CE Department,
Erode Zone,
9/2, Jeevanandham Nagar,
Karur Bypass Road,
Erode & District - 638 002.
3. The Assistant Commissioner,
HR & CE Department,
Ex. Servicemen's House,



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4. The Inspector,
HR & CE Department,
Sathyamangalam Circle,
Erode District.

.. Respondents

W.P.No.13290 of 2025:-

Sivaraj

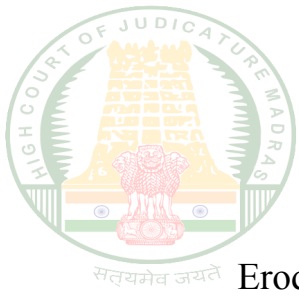
.. Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment
Department,
Trust Hospital Building, (Near),
Erode District - 638 001.

3. The Assistant Commissioner,
Assistant Commissioner Office,
Hindu Religious and Charitable Endowment
Department,
Ex.Jawans Bhavan Building,



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Erode District - 638 001.

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4. The Jurisdictional Inspector,
Hindu Religious and Charitable Endowment
Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

5. P.Shamugam

6. K.Kaalathampadi

.. Respondents

Prayer in W.P.No.12661 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned order passed by the 4th respondent vide Na.Ka.No.10/2025, dated 18.03.2025 and quash the same and consequently direct the respondents 1 to 4 to grant permission to conduct the 'Maha Kumbabisheka Vizha' for the Bathrakaliamman temple situated in Maakampalayam, Sathyamangalam Taluk, Erode District on 10.04.2025 to 11.04.2025 by considering the petitioner's representation, dated 03.04.2025.

Prayer in W.P.No.13290 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents 1 to 4 to constitute Thiru Pani Committee and include the



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petitioner and his family members in consecration and performance of Kumbhabishkam for Sri Bhadrakaliamman Temple, Makampalayam Village, Sathyamangalam Taluk, Erode District and permitting them to exercise their customary right of performing poojas, rites and rituals in honour of Sri Bathrakali Amman deity during Kumbhabhishekam.

In W.P.No.12661 of 2025:-

For Petitioner : Mr.R.Nalliappan,
for Mr.J.Titus Enock

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) for RR-1 to 4

: Mrs.V.S.Usharani, for third party

In W.P.No.13290 of 2025:-

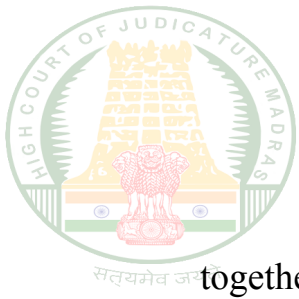
For Petitioner : Mr.D.Nandhagopal

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) for RR-1 to 4

: Mrs.V.S.Usharani, for R6

COMMON ORDER

These two Writ Petitions are interconnected and as such, are taken up



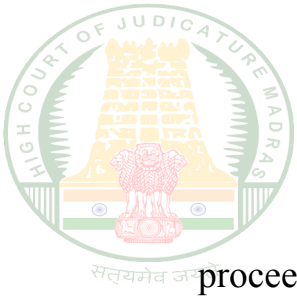
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together and disposed of by this common order.

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2. The petitioner in W.P.No.12661 of 2025 namely, *Shanmugam*, is aggrieved by the action of the respondents in not permitting him and the people of the village in going ahead with the performance of Kudamuzhukku from 10.04.2025 to 11.04.2025. It is his case that the temple is a small temple and as a non-hereditary trustee, he took all care to properly renovate the temple and rajagopuram is also now constructed and long before, a public announcement was made with reference to the conduct of Kudamuzhukku by looking for the auspicious day and public notice was also printed and distributed and now, when the public are gathering in the said village, when the function is about to start on 10.04.2025, the same is sought to be stopped. Therefore, he is before this Court.

3. The petitioner submits that he does not have any personal agenda with reference to the same and submits that let the act of devotion be



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proceeded and the Kudamuzhakku of the temple be carried on, on the auspicious day as originally planned. He even submits that everyone can be involved in whatever manner decided by the authorities and the festival can be conducted together as originally proposed.

4. Per *contra*, *Mr.D.Nandhagopal*, the learned Counsel for the petitioner in W.P.No.13290 of 2025 would submit that the petitioner namely, *Sivaraj*, has come up with contra prayer. It is his contention that Thiruppani Committee has to be first constituted and only the Thiruppani Committee can undertake all these things. It is his further contention that he has certain customary rights being the priest of the temple. In violation of all the rights, the non-hereditary trustee is proceeding with the matter without consulting the other persons.

5. *Mrs.V.S.Usharani*, the learned Counsel, supporting the case of the petitioner in W.P.No.13290 of 2025 namely, *Sivaraj*, would submit that



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already, she filed W.P.No.12186 of 2025 with reference to the same and this Court directed the authorities to conduct an enquiry and they have all appeared before the authorities and the enquiry had been conducted and a decision was taken. Therefore, the prayer, as made by the non-hereditary trustee, should not be acceded to.

6. *Mr.N.R.R.Arun Natarajan*, learned Special Government Pleader for the HR & CE Department would submit that as directed by this Court, the matter was taken up for enquiry. Both sides were given opportunity. It is found by the authorities that the entire process is taken up without even any permission whatsoever from the Department. None of the directions that are given by the Division Bench of this Court in W.P.No.574 of 2015 are complied with. Neither the State Level Expert Committee nor the Regional Level Expert Committee has looked into the nature of works that are being carried on. The permission of the authorities was not even sought for. Therefore, considering all that and even though works are carried on, once



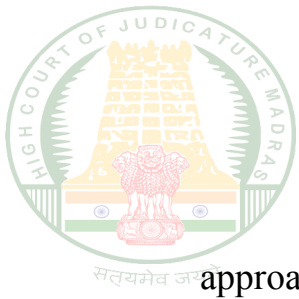
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again, all these procedures have to be complied with and then only, Kudamuzhukku can be carried on. Therefore, an order was passed on 07.04.2025 stating that the Kudamuzhukku cannot be proceeded with. Once again, proper application should be made and permissions will be granted and the Committees will inspect and will also take into consideration the nature of work that was already carried on and if any further works to be carried on or any other suggestions that are given by the Committees, the same will have to be carried out and once the improvements of the temple are finalised, another auspicious date will be fixed at the earliest. In any event, this whole process will take roughly around 60 days and therefore, on 10.04.2025, it is not possible for Kudamuzhukku to be proceeded with.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. Earlier, when the fifth respondent in W.P.No.13290 of 2025



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approached this Court, this Court directed the authorities to conduct an

enquiry by affording an opportunity to all concerned and take a decision.

Now, a detailed order has been passed on 07.04.2025. Therefore, the

petitioner, even if he is aggrieved by the order, cannot now proceed with the

Kudamuzhakku on 10.04.2025 as the time is very short. The petitioner can

also challenge the said order in the manner known to law. However, it can

be seen that the reason that is mentioned in the order is the non-compliance

of the directions that are issued by the Division Bench of this Court in

W.P.No.574 of 2015. Therefore, for any person, to carry out further

renovation works and building rajagopuram etc., in respect of temples, they

should first approach for permission, upon which, Regional Level Expert

Committee and State Level Expert Committee, will examine the nature of

the temple, nature of the works that are undertaken and will come up with

the permission and for such directions and in compliance of the same only,

the work has to be carried on and thereafter, the Commissioner's permission

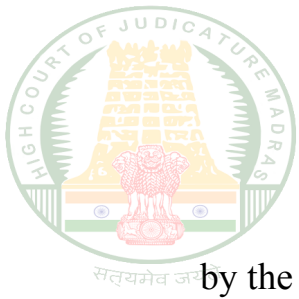
will be granted.



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9. Even though, in this case, the work has already been carried out, still, anyone of the petitioners herein or the fifth respondent can approach the Assistant Commissioner, Erode with a representation and a copy of this order. Then, the Assistant Commissioner shall guide them with reference to the nature of forms that have to be filed and the procedure should be taken up step by step as expeditiously as possible and after getting the due permission and if any works have to be carried out and if any alteration has to be carried out as per the directions of the Expert Committee, the same shall be carried on and further date of Kudamuzhukku can be fixed and carried on. Needless to mention that the work done by the non-hereditary trustee should also be appreciated so far and even if his tenure is over, he can also be duly included in the Thiruppani Committee as the case may be. Both the petitioners as well as the fifth respondent and any other person can also be included in the Thiruppani Committee in due recognition of the good work they have done. It is, but, sad that the Kudamuzhukku was interfered



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by the respondent authorities in the last minute. However, when considering the larger violation that is complained of with reference to the directions of the Division Bench of this Court in W.P.No.574 of 2015 and considering the larger interest of the temple that whenever any person intends to renovate the temple or carry out any such alteration works, they have to first approach the department and only after permission from the appropriate Expert Committee, the same has to be undertaken, this Court is unable to come to the rescue of *Shanmugam*, the non-hereditary at the last minute. In future, everyone concerned, if necessary, should intervene at an early date and this kind of intervening in the last moment after the notice has been published, has to be avoided as the same causes sentimental fears and also heartburn for those who have arranged the programme.

10. With the above observations, these Writ Petitions stand disposed of. Needless to mention that the festival can be conducted in a secular manner avoiding any caste overtones and let every devotee from all sects be



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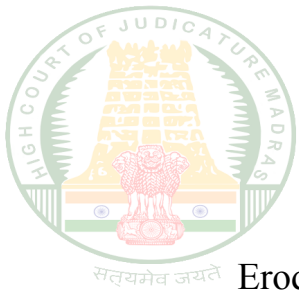
included and right from the printing of invitations, it is for the Assistant Commissioner to take care of the directions given by the Division Bench and also the other judgments be followed scrupulously. Since the 60 days time is prayed, the entire exercise of getting due permission and re-fixing the date shall be carried on within a period of 60 days from the date of receipt/production of a web-copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.04.2025

Neutral Citation : no
grs

To

1. The Commissioner,
HR & CE Department,
No.19, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 039.
2. The Joint Commissioner,
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9/2, Jeevanandham Nagar,
Karur Bypass Road,



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Erode & District - 638 002.

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3. The Assistant Commissioner,
HR & CE Department,
Ex. Servicemen's House,
Erode.
4. The Inspector,
HR & CE Department,
Sathyamangalam Circle,
Erode District.
5. The Commissioner,
Hindu Religious and Charitable Endowment
Department,
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D.BHARATHA CHAKRAVARTHY, J.

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